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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/689,500
Filing Date: October 20, 2003
Appellant(s): WOOD, DOUGLAS A.

Bryan W Bockhop
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/25/2007 appealing from the Office action mailed 12/07/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6012152	DOUIK	August, 21, 1997
5127012	HILIGER	February, 19, 1991

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, and 4-9 are rejected under 35 U.S.C. 103(a) as being anticipated by Douik (6,012,152) in view of Hiliger (5,127,012).

As per claim 1, Douik teaches:

A system for providing root cause failure information about a computer system to a user, comprising:

a monitoring application that monitors a plurality of assets in the computer system and that generates a system incident report when a failure of an asset of the plurality of assets is detected; (Douik column 15, lines 16- 20 and column 36, lines 30-34)

a diagnostic database that lists a plurality of pre-identified symptoms, including a set of potential symptoms, each pre-identified symptom being linked to at least one failure of an asset, wherein a potential symptom is activated when the monitoring application detects a failure linked to the pre-identified symptom; (Douik column 15,

lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

the incident tracking application also configured to associate a user incident report with a system incident report when the user incident report includes a user-observed symptom that corresponds to one of the set of activated symptoms. (Douik column 15, lines 16- 27 and column 36, lines 30-34)

Douik does not explicitly disclose a system for an incident tracking application configured to present to the user a set of activated symptoms that characterize a current state of the plurality of assets, the incident tracking application also configured to receive from the user a user incident report that includes a user-observed symptom selected by the user that corresponds to one of the set of activated symptoms

In column 3, lines 11-13 and 22-23, Hiliger clearly displays a system which displays possible symptoms to a user and the user selects which symptoms that are present. In column 26, lines 57-58 Douik teaches coming up with a "preliminary list of suspect components" and issued. In column 36, line 67 – column 37, line 2, Douik also teaches the use of a human to further limit the possible suspects of the error. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the system as taught by Hiliger, in order to create a more accurate and expedient root cause analysis. This would have been obvious because Hiliger teaches that the above system is better suited for creating efficient diagnostic process by ruling out symptoms. (Hiliger column 2, lines 43-53)

As per claim 2, Douik teaches:

The system of claim 1 further comprising an incident tracking database for storing the user incident reports. (Douik column 15, lines 16-20; user reports are stored and sent to the correlation agent.)

As per claim 4, Douik teaches:

The system of claim 3, wherein the system incident report is stored in the incident tracking database. (Douik column 15, lines 16-20; incident reports are stored and sent to the correlation agent.)

As per claim 5, Douik teaches:

The system of claim 1, wherein the diagnostic database further stores a plurality of solutions, each solution being associated with at least one pre-identified symptom. (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

As per claim 6, Douik teaches:

A method for providing root cause failure information about a computer system to a user, comprising the steps of:

pre-populating a diagnostic database with a plurality of pre-identified symptoms, each pre-identified symptom being linked to at least one solution; (Douik column 23,

lines 7-17; all known symptoms and root causes of those symptoms are used to analyze current arising symptoms in order to come up with the cause of the problem.)

linking each pre-identified symptom with at least one failure of one asset; (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

monitoring a plurality of assets; (Douik column 15, lines 16- 20 and column 36, lines 30-34)

upon detecting a failure of an asset, activating at least one pre-identified symptom associated with the failed asset in the diagnostic database, thereby generating a activated symptom list (Douik column 15, lines 23-27; the correlation agent matches the received symptoms with the possible explanations from the knowledge base)

associating the user-observed symptom with an activated pre-identified symptom from the activated symptom list in the diagnostic database. (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

Douik does not explicitly disclose a method for presenting the activated symptom list to the user and receiving a user incident report from the user, the user incident report including at least one user-observed symptom.

In column 3, lines 11-13 and 22-23, Hiliger clearly displays a system which displays possible symptoms to a user and the user selects which symptoms that are present. In column 26, lines 57-58 Douik teaches coming up with a "preliminary list of suspect components" and issued. In column 36, line 67 – column 37, line 2, Douik also

teaches the use of a human to further limit the possible suspects of the error. It would have been obvious to a person of ordinary skill in the art at the time of invention to include the system as taught by Hiliger, in order to create a more accurate and expedient root cause analysis. This would have been obvious because Hiliger teaches that the above system is better suited for creating efficient diagnostic process by ruling out symptoms. (Hiliger column 2, lines 43-53)

As per claim 7, Douik teaches:

The method of claim 6, further comprising the steps of:

retrieving a solution associated with the activated pre-identified symptom; (Douik column 22, lines 53-56)

executing actions listed in the solution. (Douik column 22, lines 56-59)

As per claim 8, Douik teaches:

The method of claim 6, further comprising the steps of:

analyzing failure modes; (Douik column 23, lines 1-5)

devising the plurality of pre-identified symptoms. (Douik column 23, lines 1-5)

As per claim 9, Douik teaches:

The method of claim 6, further comprising the steps of:

creating a system incident report for each failure detected; (Douik column 22, lines 44-48; each incident is contained in a report for the correlation agent whether it be by a monitoring alarm or a used submitted incident.)

linking the system incident report to the activated pre-identified symptom. (Douik column 15, lines 23-27; each symptom or combination of symptoms can be related to one or many explanations or root causes)

(10) Response to Argument

A. **Grounds of Rejection No. 1:**

On pages 5 and 6 of the Appeal Brief, Applicant argues that the 103 rejection, "failed to demonstrate that a combination of the cited references teaches or suggests activating a symptom from a list of symptoms in response to an asset failure."

The Examiner respectfully disagrees with this evaluation. In Douik column 22, lines 49-56, wherein it is disclosed that a diagnosis agent first maps out possible suspects and then "an interaction with the human repair engineer is implemented to precisely identify the error within the identified software block". The purpose or Hiliger is merely to more precisely teach displaying a list of symptoms to the user for selection. The teachings of Douik clearly show having to access symptoms and use models and comparisons or "activating" those symptoms for diagnostic purposes. In Douik column 15, lines 16-31 it is further taught the process in which symptoms are used in order to better determine the possible reason for the failure.

On pages 7 and 8 of the Appeal Brief, Applicant argues that, the 103 rejection "failed to demonstrate that a combination of the cited references teaches or suggests the association of a user incident report with a system incident report based on a symptoms common to both reports." Further stating that "Douik discloses only a simple form of time correlation".

The Examiner respectfully disagrees with this assertion. Douik clearly teaches in column 15, lines 16-31 a correlation agent which uses "observed symptoms", "trouble reports from network users", and sends these fault reports to a correlation agent, which "formulates fault explanations". Therefore, this shows that Douik takes information for a number of sources and compares them in order to come up with best possible reason for the failure. The fact that time correlation can be used to further narrow this list of common symptoms does not limit the fact that the correlation agent uses numerous symptom reports and compares them.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Brian Assessor

Conferees:

Scott Baderman, Robert Beausoliel

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER